

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANCIA FISCHER,

CV 08-4812(CPS)(RER)

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

**STIPULATION OF
SETTLEMENT AND
ORDER OF DISMISSAL**

Defendants.
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WHEREAS, plaintiff FRANCIA FISCHER commenced this action by filing a complaint on or about December 1, 2008, alleging that her federal civil and common law rights were violated; and

WHEREAS, defendants The City of New York, Police Officers Jose Sandobal and Jose Briceno, Police Detectives Daniel Aybar, Steven Hom, Matthew and Madelline Correa, and Police Sergeant Luke Denesopolis deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, the plaintiff and defendants now desire to resolve the issues raised in this litigation between them, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. Defendant The City of New York hereby agrees to pay plaintiff FRANCIA FISCHER the total sum of FIFTY-SEVEN THOUSAND AND FIVE HUNDRED

DOLLARS (\$57,500.00), in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of these sums, plaintiff agrees to the dismissal of all the claims against defendants and to release defendants; their successors and assigns; and all past and present officials, employees, representatives or agents of The City of New York, or any agency thereof, from any and all liability, claims, or rights of action, which were or could have been alleged by plaintiff in said action, including all claims for attorneys' fees, expenses and costs.

3. Plaintiff FRANCIA FISCHER shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or The City of New York or any other rules, regulations or bylaws of any department or subdivision of The City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of The City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
September 16, 2009

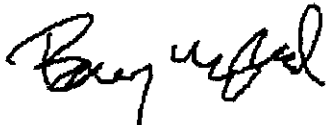
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By:


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By:


Barry Myrvold

SO ORDERED:

s/Hon. Charles P. Sifton

Hon. Charles P. Sifton, U.S.D.J.

9/17/09